IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO. 4633 OF 2005

The Secretary/President
Navyug Shikshan Sanstha & ors. ... Petitioners

V/s

Mr. Premnarayan M. Gupta & ors. ... Respondents

Mr. A.G. Kothari for the petitioners.

Mr. Nitin Muley holding for Mr. G.S. Godbole for the respondent No.1.

CORAM: P.V. KAKADE, J.

DATED: 10TH FEBRUARY, 2006

P.C.:

1. Heard both sides.

2. The petitioners have filed this petition against the judgment and order passed by the Presiding Officer, Addl. School Tribunal, New Mumbai, whereby the appeal was allowed and the order of termination dated 30.3.1999 w.e.f. 30.4.1999 was set aside and respondent Nos. 1 and 2 were directed to reinstate the said the appellant on the post of Assistant Teacher with consequential benefits including the back wages from the date of

termination till the date of reinstatement and continuity of service.

3. In the course of the argument advanced by both parties, Court suggested some settlement and accordingly both parties have taken instructions and communicated to the Court their respective suggestions.

4. Taking into account the facts and circumstances, it is hereby directed that the back wages amount to the extent of 40% shall be paid by the present petitioner to the respondent No.1 from the date of termination till 31.3.2005 i.e. the date of order of the lower Court. Both parties agreed that the present respondent No.1 is reinstated in service and, therefore, no direction is being issued in that regard. The 40% back wages amount shall be paid within 16 weeks from the date of this order.

In view of this position, the Execution Application No. 24 of 2005 filed by the respondent No.1 teacher will not survive.

With these directions, the petition stands disposed of with no order as to costs.

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